IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT NO. 1936 OF 1988

The Board of Trustees of the Port
of Mumbai. ... Plaintiffs.

V/s.

Nirmal Chand V. Prasad. ... Defendant.

Mr. U.J. Makhija i/b. Mulla & Mulla for the Plaintiff

.....

CORAM : DR. D.Y. CHANDRACHUD,J.

21ST SEPTEMBER, 2006.

P.C. :

1. This is a suit by the Board of Trustees of the Port of Mumbai for the recovery of a sum of Rs.1,53,700 together with interest on the principal sum of Rs.1,50,537.50 at the rate of 15% per annum.

2. In January 1985, the Defendant imported a motor vehicle which was manifested at Item No.19 in the Import General Manifest No.56 dated 11th January 1985. The General Landing Date and the Last Free day of the cargo of the vessel under which the vehicle was imported were 12th January 1985 and 16th January 1985 respectively. The Defendant was the importer and/or owner of the vehicle and was bound and liable to clear the assignment within 7 days. By an order dated 6th August 1986, the vehicle was confiscated by the Additional Collector of Customs under

Section 111(d) of the Customs Act, 1962. The Defendant is bound and liable to pay to the Plaintiff wharfage, demurrage and other charges of the Board of Trustees prior to the date of confiscation amounting to Rs.1,50,537.50. Letters of demand have been addressed by the Plaintiff to the Defendant on 14th November 1987 and 15th December 1987.

3. No written statement has been filed in the suit which is of the year 1988. The suit is accordingly directed to proceed for want of written statement. The Plaintiffs have filed an affidavit of their Assistant Docks Manager together with a compilation of the original documents. The claim of the Plaintiffs stands proved. The affidavit in lieu of the examination in chief and compilation of original documents are taken on record.

4. In the circumstances, the Defendants is ordered and decreed to pay the Plaintiff the sum of Rs.1,53,700 with interest on the principal sum of Rs.1,50,537.50 at the rate of 9 % per annum from the date of the institution of the suit till the payment or realisation.